

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE: 8/25/2020**

**DISTRICT JUDGE**  
**Amos L. Mazzant, III**

**COURT REPORTER: Chris Beckham**  
**COURTROOM DEPUTY: Keary Conrad**

Innovation Sciences, Inc.	4:18-CV-474
v.	
Amazon.Com, Inc.	

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANT</b>
Don Jackson, James Berquist, Walter Davis, Jr., Gregory Krauss, Lisa Blue (Counsel), Paul Malouf (Technology)	Deron Dacus, Dave Hadden, Saina Shamilov (Counsel), Fred Torok (Amazon representative) Robert Winant (paralegal) and Brian Patterson (Technology)

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Jury trial (Day 2)</b>
8:10 a.m.	Court is in session. Court notes appearance of parties.
8:11 a.m.	Court hears argument from counsel regarding witness Shriver. Parties discuss exhibits. Parties discuss deposition testimony regarding McAlexander. Parties discuss stipulated priority date.
8:35 a.m.	Jury seated.
8:38 a.m.	Counsel, Don Jackson begins opening statement.
9:19 a.m.	Counsel, Deron Dacus begins opening statement.
10:00 a.m.	Court excuses jury for 15 minute break.
10:01 a.m.	Court recess for 15 minutes.
10:18 a.m.	Court re-convenes. Parties discuss notebooks.
10:19 a.m.	Jury seated.
10:20 a.m.	Court explains notebooks to jury. Court advises the notebooks will be provided to the jury after lunch.

10:21 a.m.	Amazon counsel invokes the rule. Witnesses are asked to leave the courtroom.
10:22 a.m.	Counsel, Don Jackson calls Joseph C. McAlexander, III
10:22 a.m.	Witness, Joseph C. McAlexander, III placed under oath.
10:23 a.m.	Counsel, Don Jackson begins direct examination of Joseph C. McAlexander, III
10:28 a.m.	Counsel, Don Jackson refers witness, Joseph C. McAlexander, III to Plaintiff's Exhibit 1.
10:29 a.m.	Counsel, Don Jackson refers witness, Joseph C. McAlexander, III to Plaintiff's Exhibit 2.
10:29 a.m.	Counsel, Don Jackson refers witness, Joseph C. McAlexander, III to Plaintiff's Exhibit 3.
10:33 a.m.	Counsel, Don Jackson refers witness, Joseph C. McAlexander, III to Plaintiff's Exhibit 20 for purposes of the witness. Not admitting exhibit at this time.
10:44 a.m.	Counsel offers Joseph C. McAlexander as an expert witness with respect to computerized communication. No objection. Court recognizes McAlexander as an expert.
10:48 a.m.	Counsel, Don Jackson refers witness, Joseph C. McAlexander, III to Plaintiff's Exhibit 1.
11:10 a.m.	Counsel, Don Jackson refers witness, Joseph C. McAlexander, III to Figure 16.
11:13 a.m.	Counsel, Don Jackson requests the Court allow Joseph C. McAlexander to use his prepared slides for demonstrative purposes only. Court allows slides for demonstrative purposes.
11:59 a.m.	Court excuses jury for lunch.
12:01 p.m.	Court in recess until 1:00 pm.
1:10 p.m.	Jury seated.
1:10 p.m.	Counsel, Don Jackson continues direct examination of witness, Joseph C. McAlexander, III.
3:02 p.m.	Court excused jury recess for 15 minute break.
3:03 p.m.	Court adjourned for 15 minutes.

3:22 p.m.	Court reconvenes. Jury seated.
3:23 p.m.	Counsel, Don Jackson continues direct examination of witness, Joseph C. McAlexander, III.
5:21 p.m.	Court releases jury until 8:30 am tomorrow.
5:22 p.m.	Court hears argument from counsel regarding objection to testimony of McAlexander and report.
5:27 p.m.	Counsel, Deron Dacus questions the Court regarding 50(a) motions. Court asks the Parties to confer with the other side regarding proceeding.
5:28 p.m.	Many Plaintiffs exhibits were referenced by Joseph C. McAlexander as having been reviewed in preparation of his demonstrative. Counsel will confer and present a list of those exhibits to the Courtroom Deputy tomorrow prior to Court beginning.
5:30 p.m.	Court adjourned.

DAVID O'TOOLE, CLERK

BY: Keary Conrad  
Courtroom Deputy Clerk